

INTERVIEW SUMMARY

Applicant would like to thank the Examiner for the courtesies he has extended Applicants' representatives and their attorneys in the personal interview held on March 22, 2007 with Examiner Truong. During the interview, Applicants demonstrated an exemplary embodiment of the invention, and the differences between the invention and the prior art. Applicants indicated that they would further amend the claims to clarify the claimed invention.

REMARKS

Claims 1, 3, and 5-33 are pending in the application. Claims 2 and 4 were previously canceled without prejudice. Claims 1, 9, 22, 23, 28 and 30 have been amended to further clarify Applicants' invention. Claims 1, 9, 22, 23, 28 and 30 are the independent claims.

The presented amendments in view of the following remarks are believed to be fully responsive to the Office Action mailed on October 19, 2006.

Claims 1, 3, and 5-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,144,838 to Sheehan ("Sheehan") and further in view of U.S. Patent No. 6,144,838 to Dean et al. (Dean). Claims 32 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sheehan and Dean, and further in view of U.S. Patent No. 5,987,443 to Nichols et al. ("Nichols").

Additionally, claims 1, 3, and 5-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sheehan in view of U.S. Patent No. 6,164,974 to Carlile et al. (Carlile), and claims 32 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sheehan and Dean, and further in view of Nichols.

As Applicants described during the personal interview, and as is described in the Specification, the claimed invention can be used as a business management tool. Business and enterprises tend to

have somewhat unique cultures and dynamics. Thus, a management tool used to evaluate performance of a business or enterprise needs to be based on an understanding of that businesses' particular dynamic. As such, the claimed invention includes designing a survey for an entity, the survey comprising a plurality of queries, and at least some of such queries being presented to the entity regarding a given evaluatee.

In contrast, the cited art deals with standardized tests in educational contexts. Such data may be useful in its sphere, but has little to bear on the evaluation of an evaluatee in a business or similar setting. Thus, Sheehan discloses a system to evaluate performance on standardized tests. In Sheehan data is statistically analyzed to determine a probability of student success on subsequent similar standardized tests. Sheehan processes responses to standardized tests. Sheehan does not teach or suggest designing a survey for a given entity.

Dean is similarly directed to an educational context. Dean describes a computer-assisted instruction system. Dean does not deal with evaluating the performance of a businessperson or the like in a team setting based on a survey designed for the particular entity which the individual is associated with or to which he or she belongs.

Thus, each of the independent claims, as amended, recite designing a survey for an entity, the survey comprising a plurality of queries, and at least some of such queries being presented to the entity regarding a given evaluatee, where the plurality of queries relate to the performance of a businessperson in a team setting. This feature is neither taught nor suggested by Sheehan or Dean, whether alone or in combination.

Thus, Applicants respectfully submit that neither Sheehan nor Dean, alone or in combination, teach or suggest all of the elements of the independent claims, as amended, for the foregoing reasons.

Thus, for similar reasons, the dependent claims are also urged as patentable over Sheehan and Dean, whether alone or in combination.

Nichols is directed to a goal based learning system that uses a rule based expert training system to provide a cognitive educational experience. The Office Action cites Nichols regarding feedback including links to auxiliary tools in connection with claim 32, and regarding that such tools are a method of conducting an evaluatee assessment in connection with claim 33. However, Nichols does not cure the deficiencies of Sheehan and Dean as a reference against the independent claims, including claim 30, and thus claim 30, and similarly claims 32-33, are urged as patentable over Sheehan, Dean and Nichols, whether alone or in combination.

Similarly, Carlile describes an evaluation based learning system. Carlile does not teach or suggest designing a survey for an entity, the survey comprising a plurality of queries, and at least some of such queries being presented to the entity regarding a given evaluatee, where the plurality of queries relate to the performance of a businessperson in a team setting. Thus, the claimed invention is submitted as being patentable over Carlile, Sheehan, Dean and Nichols, whether alone or in combination.

CONCLUSION

In view of the remarks herein, Applicants believe that each ground for rejection made in the instant application has been successfully overcome or obviated, and that all pending claims are now in condition for allowance. Withdrawal of the Examiner's rejections, and allowance of the current application are respectfully requested.

The Examiner is invited to telephone the undersigned in order to resolve any issues that might arise and to promote the efficient examination of the current application.

No additional fee is believed necessary for entry of this Amendment. However, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 50-0540.

Dated: April 19, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Aaron S. Haleva', written over a horizontal line.

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